

BEFORE THE SPEECH AND HEARING SERVICES BOARD

STATE OF IDAHO

In the Matter of the License of:)	
)	Case No. SHS-2010-2
JACQUELYN H. WOLF,)	
License No. HA-1017,)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW AND
Respondent.)	FINAL ORDER
)	

Having reviewed the documents and correspondence contained in the administrative file in this matter, the Idaho State Speech and Hearing Services Board (the "Board") hereby enters the following Findings of Fact, Conclusions of Law, and Final Order:

FINDINGS OF FACT

1. Jacquelyn H. Wolf ("Respondent") is licensed with the Board under License No. HA-1017 to engage in hearing aid dealing in the State of Idaho. Respondent's license expired on May 22, 2009, and Respondent's license was canceled as of May 23, 2009. Respondent has not renewed her license; however, pursuant to Idaho Code § 67-2614, Respondent retains the right to renew her license for up to five (5) years after cancellation by paying the required fees.

2. On or about June 12, 2009, the Board received a complaint from C.W. and J.W., that Respondent failed to disclose that hearing aids Respondent sold as new were in fact used, failed to respond to requests for adjustments, failed to inform C.W. and J.W. that Respondent was no longer in business, and misstated the length of the warranty.

3. In addition, an investigation revealed Respondent failed to include required documentation on purchase agreements and failed to maintain patient records for two years.

4. On or about March 24, 2010, Respondent voluntarily surrendered her license, admitting to violations of the Speech and Hearing Services Practice Act. A true

and correct copy of the voluntary surrender form signed by Respondent is attached hereto as Exhibit A.

5. Respondent knowingly and freely waived her right to a hearing, and waived all rights granted to Respondent pursuant to the Administrative Procedures Act, chapter 52, title 67, Idaho Code.

CONCLUSIONS OF LAW

1. As a licensed hearing aid dealer in the State of Idaho, Respondent is subject to the jurisdiction of the Board and to the provisions of title 54, chapter 29, Idaho Code, and the rules and regulations promulgated by the Board thereunder.

2. The allegations in the complaint, if proven, would constitute violations of the Speech and Hearing Services Practice Act and Rules and constitute grounds for revocation or suspension of Respondent's license to practice hearing aid dealing pursuant to Idaho Code §§ 54-2923(3) (engaging in unethical conduct or practice that fails to meet the standard of care provided by licensees in the same or similar communities), 54-2923(17) (violating any provisions of this chapter or board rules), 54-2906(2) (written contract requirements of any licensed audiologist or hearing aid dealer and fitter who fits and dispenses hearing aids), IDAPA 24.23.01.600 (written contract requirements) and IDAPA 24.23.01.500.04 (a copy of all test data shall be kept on file by licensee for two (2) years after the sale).

3. Respondent's voluntary surrender of licensure authorizes the Board to revoke or suspend Respondent's license without further process.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, based upon the foregoing Findings of Fact and Conclusions of Law, and good cause being shown,

1. License No. HA-1017 issued to Respondent Jacquelyn H. Wolf, including any right of reinstatement or renewal, is hereby REVOKED based upon voluntary surrender.

2. Respondent shall pay investigative costs and attorney fees incurred by the Board in the amount of Eight Hundred Fifty and No/100 Dollars (\$850.00) within ninety (90) days of the entry of the Board's Order.

This order is effective immediately.

DATED this 13 day of May, 2010.

IDAHO STATE SPEECH AND HEARING
SERVICES BOARD

By 
Andrew J. Seitz, Chair

NOTICE OF DUE PROCESS RIGHTS

NOTE: THIS NOTICE IS PROVIDED SOLEY FOR COMPLIANCE WITH IDAHO CODE § 67-5248, AND IS NOT INTENDED TO REINSTATE ANY RIGHTS PREVIOUSLY WAIVED BY RESPONDENT.

This is a final order of the Board. Any party may file a motion for reconsideration of this final order within fourteen (14) days of the service date of this order. The Board will dispose of the petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Idaho Code § 67-5246(4).

Pursuant to Idaho Code §§ 67-5270 and 67-5272, any party aggrieved by this final order or orders previously issued in this case may appeal this final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- a. A hearing was held,
- b. The final Board action was taken,
- c. The party seeking review of the order, resides, or
- d. The real property or personal property that was the subject of the Board action is located.

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An appeal must be filed within twenty-eight (28) days (a) of the service date of this final order, (b) of an order denying petition for reconsideration, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. See Idaho Code § 67-5273. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of May, 2010, I caused to be served a true and correct copy of the foregoing by the following method to:

Jacquelyn H. Wolf
9532 W. Kate Drive
Garden City, ID 83714

- ☒ U.S. Mail
- ☐ Hand Delivery
- ☒ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: _____
- ☐ Statehouse Mail

Karin Magnelli
Deputy Attorney General
P.O. Box 83720
Boise, ID 83720-0010

- ☐ U.S. Mail
- ☐ Hand Delivery
- ☐ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: _____
- ☒ Statehouse Mail



Tana Cory, Chief
Bureau of Occupational Licenses

IDAHO SPEECH AND HEARING SERVICES BOARD

VOLUNTARY SURRENDER OF LICENSE

I, JACQUELYN H. WOLF, hereby voluntarily surrender my registration/license to practice as a hearing aid dealer and fitter in the State of Idaho. I agree and consent that the surrender of my license to practice is done without an order, order to show cause, hearing, or any other proceeding compelling its surrender. In view of my failure to comply with Idaho Law, title 54, chapter 29, Idaho Code, and the rules promulgated by the Speech and Hearing Services Board ("Board"), and as an indication of my good faith in desiring to remedy any incorrect or unlawful practices on my part, I voluntarily surrender my license to practice in the State of Idaho and agree to immediately discontinue the practice of hearing aid dealing and fitting in this state.

I understand that I have the right to a hearing, the right to confront and cross-examine witnesses, the right to present evidence and testimony on my behalf, the right to appeal and all other rights accorded to me by the Idaho Administrative Procedures Act, title 67, chapter 52, Idaho Code, and the laws and rules governing the practice of hearing aid dealing and fitting, title 54, chapter 29, Idaho Code. I hereby freely and knowingly waive these rights without further process as a resolution of any claims or allegations which might otherwise be brought against me by the Board. I further waive any license renewal rights provided by Idaho Code § 67-2614.

I acknowledge that in surrendering my license to practice, I specifically waive the right to contest this relinquishment in any subsequent proceeding. I acknowledge that the Board has jurisdiction to proceed against my license pursuant to Idaho Code § 54-2901 *et seq.* I understand that the Board may enter an order revoking, suspending or otherwise restricting my license to practice based upon my voluntary surrender of my license, which order may include a civil penalty and/or the imposition of costs and fees incurred by the Board in its investigation and prosecution of any claims or allegations against me, and I hereby consent to the imposition of such discipline.

I understand and acknowledge that by surrendering my license to practice, all of the privileges associated with said license are hereby surrendered until such time as I am again properly licensed. I understand that to regain a license to practice in the State of Idaho, I must re-apply to the Board pursuant to the provisions of title 54, chapter 29, Idaho Code, and all applicable rules and orders entered by the Board. I understand and agree that any decision regarding reinstatement of my license is a discretionary decision for the Board. I understand and agree that the Board may rely on factors set forth in this document or other than those set forth in this document as grounds for denial of a petition for reinstatement of my license or any license application that I may submit.

I waive refund of any payments made by me in connection with my license under the Speech and Hearing Services Practice Act and any rules promulgated thereunder.

Name of Licensee: JACQUELYN H. WOLF License No.: HA-1017

Address: 9532 W KATE DR GARDEN CITY ID 83714
street city zip

Signature of Licensee: Jacquelyn H. Wolf Date: 3/24/10

Signature of Witness: [Signature] Date: 03/25/10

Exhibit A
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